

1 RACHEL KREVANS (CA SBN 116421)
RKrevans@mofo.com
2 RICHARD S.J. HUNG (CA SBN 197425)
RHung@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: (415) 268-7000
5 Facsimile: (415) 268-7522

6 Attorneys for Defendant
AIRWATCH, LLC
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
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13 GOOD TECHNOLOGY CORPORATION
14 AND GOOD TECHNOLOGY SOFTWARE,
INC.,

15 Plaintiff,

16 v.

17 AIRWATCH, LLC,

18 Defendant.
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Case No. 5:12-cv-05827-PSG

**DECLARATION OF CHRISTOPHER J.
WIENER IN SUPPORT OF AIRWATCH,
LLC'S MOTION TO EXCLUDE
TESTIMONY OF ROY WEINSTEIN AND
HUGH SMITH**

Date: May 5, 2015
Time: 10:00 a.m.
Ctm: Courtroom 5, 4th Floor
Judge: Honorable Paul S. Grewal

1 I, Christopher J. Wiener, declare:

2 1. I am an associate with the law firm of Morrison & Foerster LLP, counsel of record
3 for Defendant Air Watch, LLC, in the above-captioned action. I am admitted to practice law in
4 the State of California and before this Court. I submit this declaration in support of
5 AirWatch, LLC's Motion to Exclude Testimony of Roy Weinstein and Hugh Smith. I have
6 personal knowledge of the facts set forth herein and, if called as a witness, I could competently
7 testify thereto.

8 2. Attached hereto as Exhibit 1 is an excerpt of a true and correct copy of the revised
9 Expert Report of Roy Weinstein, dated January 13, 2015.

10 3. Attached hereto as Exhibit 2 is an excerpt of a true and correct copy of an excerpt
11 from the deposition transcript of Roy Weinstein, taken on February 26, 2015.

12 4. Attached hereto as Exhibit 3 is a true and correct copy of the revised Exhibit 13 to
13 the Expert Report of Roy Weinstein, dated January 13, 2015.

14 5. Attached hereto as Exhibit 4 is a true and correct copy of *Suffolk Technologies*
15 *LLC v. AOL Inc.*, No. 1:12cv625, 2013 U.S. Dist. LEXIS 64630 (E.D. Va. Apr. 12, 2013).

16 6. Attached hereto as Exhibit 5 is an excerpt of a true and correct copy of a document
17 entitled "Settlement and Patent License Agreement," dated October 18, 2013, produced by
18 plaintiffs with the designation of "Highly Confidential – Attorneys' Eyes Only" as
19 GOODND00140851.

20 7. Attached hereto as Exhibit 6 is an excerpt of a true and correct copy of a
21 document entitled "Settlement and Patent License Agreement by and between Good Technology
22 Corporation and Excitor A/S," dated January 23, 2013, produced by plaintiffs with the
23 designation of "Highly Confidential – Attorneys' Eyes Only" as GOODND00140985.

24 8. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit 8 to the Expert
25 Report of Roy Weinstein, dated December 15, 2014.

26 9. Attached hereto as Exhibit 8 is a true and correct copy of second revised Exhibit 9
27 to the Expert Report of Roy Weinstein, dated March 2, 2015.

1 10. Attached hereto as Exhibit 9 is a true and correct copy of Barclays Equity
2 Research report entitled “MobileIron, Inc., Initiation of Coverage: Enterprise Mobility Leader,
3 Attractive Valuation,” dated July 7, 2014, produced by plaintiffs in this matter as
4 WEINSTEIN00001838 to WEINSTEIN0001860.

5 11. Attached hereto as Exhibit 10 is an excerpt of a true and correct copy of the
6 deposition transcript of John Herrema, taken on November 10, 2014.

7 12. Attached hereto as Exhibit 11 is a true and correct copy of second revised Exhibit
8 12 to the Expert Report of Roy Weinstein, dated March 2, 2015.

9 13. Attached hereto as Exhibit 12 is a true and correct copy of an April 5, 2012 email
10 from John Herrema to Nicko van Someren, produced by plaintiffs in this matter with the
11 designation of “Highly Confidential – Outside Attorneys’ Eyes Only” as GOODND00257683.

12 14. Attached hereto as Exhibit 13 is a true and correct copy of a May 4, 2011
13 document entitled “Engineering Update,” produced by plaintiffs in this matter with the
14 designation “Highly Confidential – Attorneys’ Eyes Only” as GOODTECH0041713.

15 15. Attached hereto as Exhibit 14 is an excerpt of a true and correct copy of the
16 Supplemental Report of Roy Weinstein Pursuant to F.R.C.P. 26(a)(2) from the *Visto Corp. v.*
17 *Microsoft Corp.*, No. 2:05-CV-546 (DJF) (E.D. Tex.) matter, dated August 23, 2007, produced by
18 plaintiffs in this matter with the designation of “Highly Confidential – Attorneys’ Eyes Only” as
19 GOOD02377076.

20 16. Attached hereto as Exhibit 15 is a true and correct copy of Exhibit 3 to the Expert
21 Report of Roy Weinstein, dated December 15, 2014.

22 17. Attached hereto as Exhibit 16 is a true and correct copy of Exhibit 4 to the Expert
23 Report of Roy Weinstein, dated December 15, 2014.

24 18. Attached hereto as Exhibit 17 is an excerpt of a true and correct copy of the Expert
25 Report of Roy Weinstein Pursuant to F.R.C.P. 26(a)(2) from the *Visto Corp. v. Microsoft Corp.*,
26 No. 2:05-CV-546 (DJF) (E.D. Tex.) matter, dated May 25, 2007, produced by plaintiffs in this
27 matter with the designation of “Highly Confidential – Attorneys’ Eyes Only” as
28 GOOD02376855.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Expert Report of Hugh M. Smith Regarding AirWatch Infringement (Corrected), dated December 16, 2014.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed this 31st day of March, 2015 at San Francisco, California.

/s/ Christopher J. Wiener
CHRISTOPHER J. WIENER

ATTESTATION OF E-FILED SIGNATURE

I, Richard S.J. Hung, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Christopher J. Wiener has concurred in this filing.

Dated: March 31, 2015

/s/ Richard S.J. Hung
Richard S.J. Hung